

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE #

ROW #

C15-2011-0139

10682676

TP 010207-12-15

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 1409 Rabb Road _____

LEGAL DESCRIPTION: Subdivision – LOT 1A Resub of LOT 1-7 Peschka Subd Plus Adj 332 Sq Ft of ABS 14 Sur 21 Hill H P _____

Lot(s) 1A _____ Block _____ Outlot _____ Division _____

I/We Margaret Ann Jenkins on behalf of myself/ourselves as authorized agent for

_____ affirm that on October 5, 2011
_____, 2011

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

___ ERECT ___ ATTACH ___ COMPLETE ___ REMODEL X MAINTAIN

An extension of a 8'6" high fence that exceeds an average height of 6 feet between 1409 and 1411 Rabb Road. 2/3 of fence was existing from time 1409 home was built in 1989 as part of the original permitting. Fence was extended December 2010/January 2011 at request of new neighbor at 1411 to have the same fence line run the length of her property. Fence on 1411 lot is at 7' height due to difference in elevation of 1409 and 1411 lots.

in a SF-3 _____ district.

(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

N/A

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

The 1409 lot is long and narrow sloping down from the back to the front. The lot at 1411 is higher than 1409 as the 1409 lot is higher than the 1407/1405 lots. There is an 18" high stone retaining wall between the 1409 and 1411 lots. When the home was built in 1989, the plan was to maximize the use of the property to create an inner court yard that had the appearance of another "room" of the house, with numerous doors opening onto the courtyard and the fence mirroring the lines of the house. This fence was built along the top of the retaining wall along the courtyard portion of the property line with consent of the owner of 1411 and permitted with the original building plan. Thowner of the 1411 property did not wish to have the fence extend the full length of the property line at that time. This past winter, a 5' metal fence along the front of the 1409 property and other side property line were added to create an enclosed front area. The new owner of 1411 had indicated that she would like the existing fence between our properties extended so that her fence line was the same for the length of her property line.

-
- (b) The hardship is not general to the area in which the property is located because:

1411 lot was leveled from back to front at some point in time (possibly when the lot was developed originally) and is approximately 18" higher than the 1409 lot, whereas the 1409 lot has not been leveled similarly. 1409 lot maintains a higher elevation at the back southwest corner than at the front northeast corner.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Variance does not impact others as it is the side fence between 1409 and 1411 only. The variance does not impact street frontage. Other fencing at 1409 includes 5' to 5'6" high hogwire/metal along front and other side and driveway, and a 6' privacy fence along a portion of the back property line. Only the side fence between 1409 and 1411 exceeds the 6' variance.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

The fence extension does not impact Rabb Road and does not block view of the road for drivers..

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address
1409 Rabb Road _____

City, State & Zip
Austin, Texas 78704 _____

Printed Ann Jinkins _____ Phone 512-694-0455 _____
Date October 5, 2011 _____

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address
1409 Rabb Road _____

City, State & Zip
Austin, Texas 78704 _____

Printed Ann Jinkins _____ Phone 512-694-0455 _____ Date
October 5, 2011 _____

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (4) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2011-0139
LOCATION: 1409 RABB ROAD



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1911

4400

1409

IMPERVIOUS COVERAGE
EXISTING LOT AREA: 9575 #

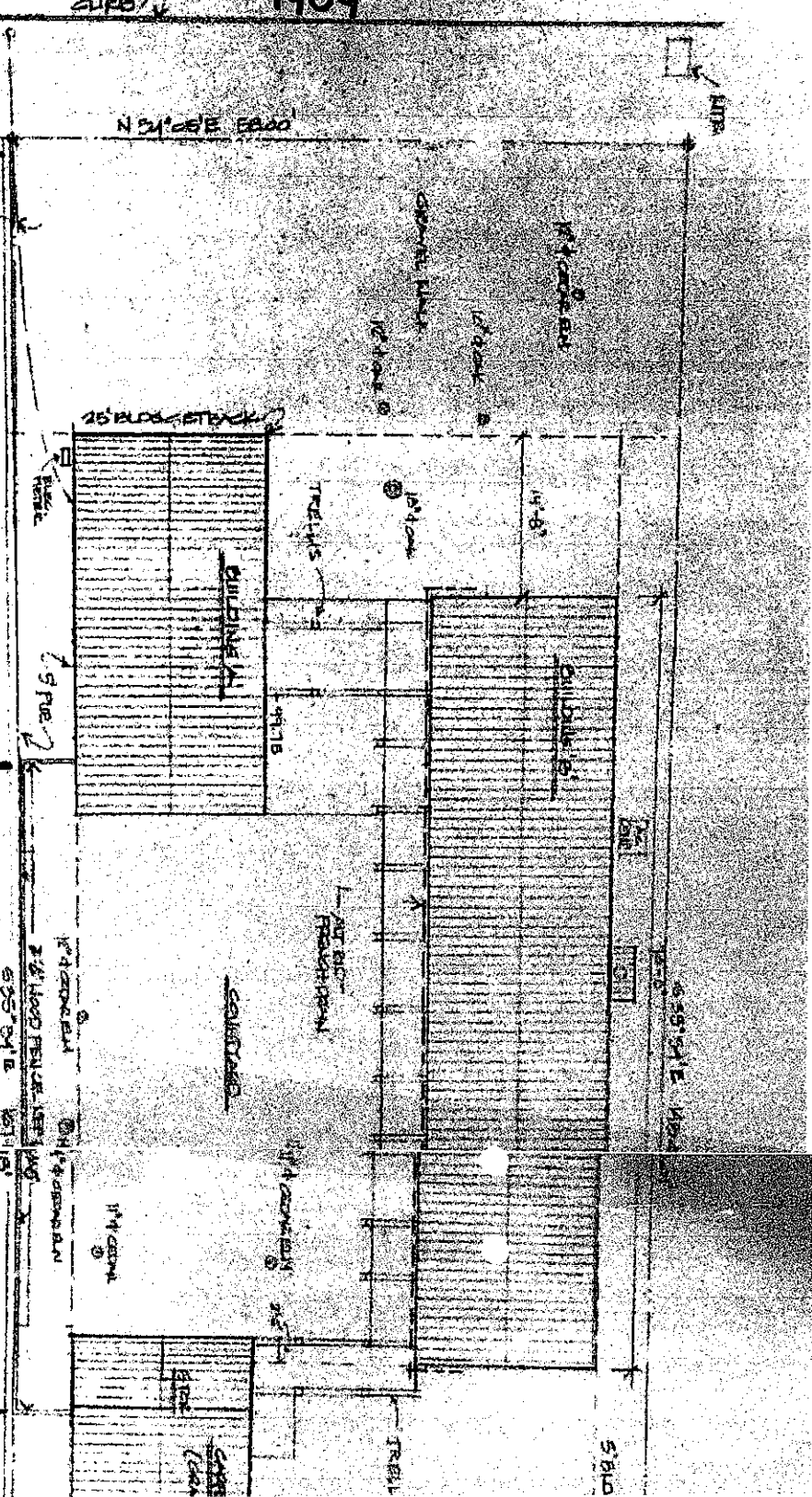
LEGAL DESCRIPTION
LOT 1A OF THE RESUBDIVISION OF LOTS 1 THROUGH 4

SITE PLAN

Extension
Fence

EXISTING FENCE

EXISTING WALL





1109. VICK. TEPIC - 2



1409 BACK FENCE - ENTRY TO COURTYARD





Capt. W. H. D. - 1910





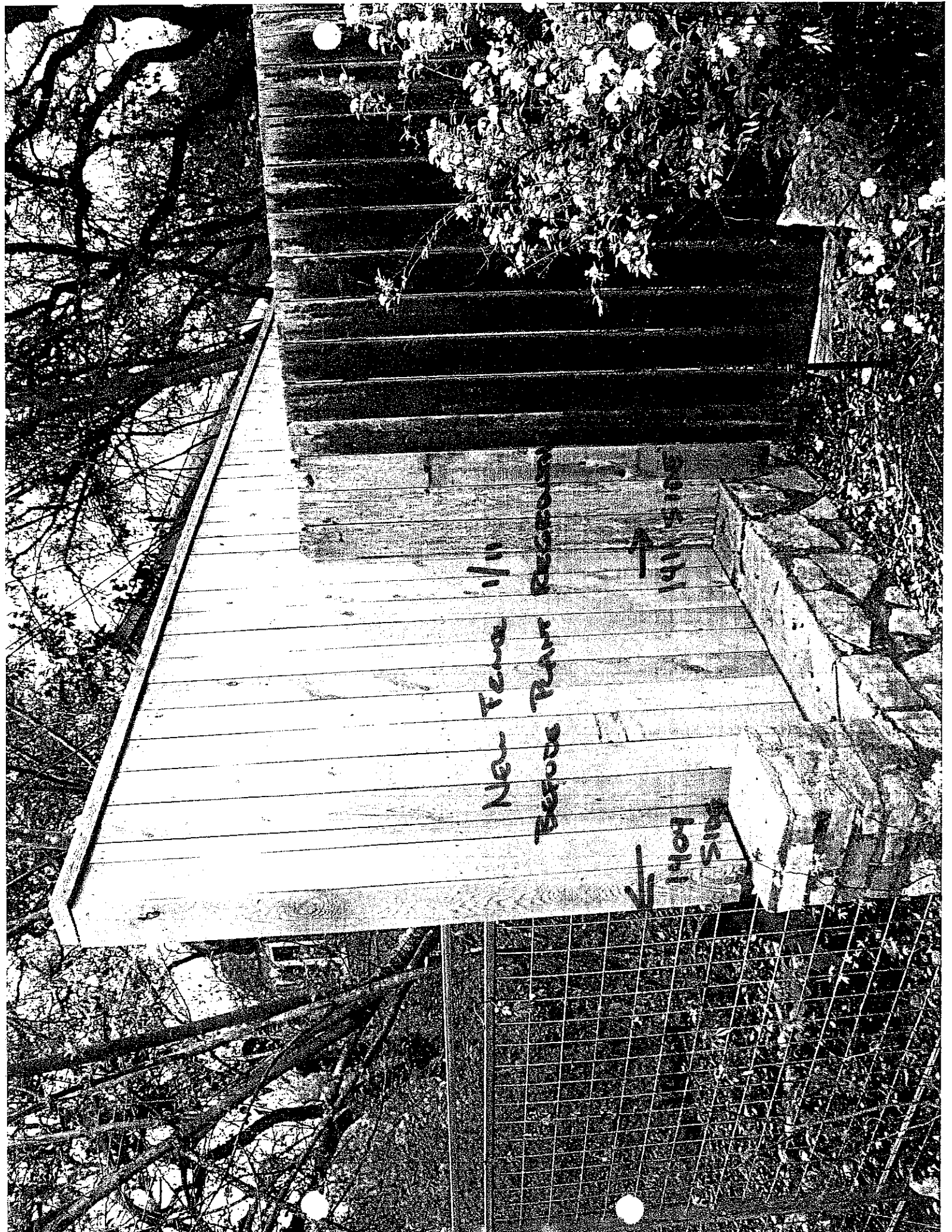


TRAIL 1409 - Looking Down Trail. From Palm Leaf to Palm





1411 FENCE BETWEEN 1411 & 1404 TROLL 1411 YARD



New Fence 1/11
Before Rain
Before Rain

↑
1911 5100

↓
1911 5100



1409 PADD - NEW FENCE SHOWING GROUND BACK



FRONT PASS ROAD 1401

OVER HEIGHT

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "A"

Permit Number	<u>PR-11-020898</u>		
Building Permit No.	_____		
Plat No.	_____	Date	<u>3/15/11</u>
Reviewer	<u>Brent</u>		

PRIMARY PROJECT DATA

Service Address <u>1409 + 1411 RABBIT RD</u>		Tax Parcel No. _____	
Legal Description Lot <u>1A</u> Block _____ Subdivision <u>TPESCHKA</u> Section _____ Phase _____			
If in a Planned Unit Development, provide Name and Case No. _____ (attach final approved copies of subdivision and site plan)			
If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.			
Description of Work		_____ Remodel (specify) _____	
____ New Residence		_____	
____ Duplex		_____ Addition (specify) _____	
____ Garage _____ attached _____ detached		_____	
____ Carport _____ attached _____ detached		_____	
____ Pool		____ Other (specify) <u>7' High Fence</u>	
Zoning (e.g. SF-1, SF-2...) _____			
- Height of Principal building _____ ft. # of floors _____ Height of Other structure(s) _____ ft. # of floors _____			
- Does this site currently have water and wastewater availability? ____ Yes ____ No. If no, please contact the Austin Water Utility at 512-972-0000 to apply for water and/or wastewater tap application, or a service extension request.			
- Does this site have a septic system? ____ Yes ____ No. If yes, for all sites requiring a septic field you must obtain an approved septic permit prior to a zoning review.			
Does this site have a Board of Adjustment ruling? ____ Yes ____ No If yes, attach the B.O.A. documentation			
Will this development require a cut and fill in excess of 4 feet? ____ Yes ____ No			
Does this site front a paved street? ____ Yes ____ No A paved alley? ____ Yes ____ No			
Is this property within the Residential Design and Compatibility Standards Ordinance Boundary Area? ____ Yes ____ No			

**VALUATIONS FOR
REMODELS ONLY**

Building	\$ _____
Electrical	\$ _____
Mechanical	\$ _____
Plumbing	\$ _____
Driveway/ Sidewalk	\$ _____
TOTAL \$	_____
(labor and materials)	

**VALUATIONS FOR NEW CONSTRUCTION
OR ADDITIONS ONLY**

Lot Size	<u>9620</u> sq.ft.
Job Valuation – Principal Building	\$ _____ (Labor and materials)
Job Valuation – Other Structure(s)	\$ _____ (Labor and materials)
TOTAL JOB VALUATION (sum of remodels and additions)	\$ _____ (Labor and materials)

**PERMIT FEES
(For office use only)**

	NEW/ADDITIONS	REMODELS
Building	\$ _____	\$ _____
Electrical	\$ _____	\$ _____
Mechanical	\$ _____	\$ _____
Plumbing	\$ _____	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL \$	\$ _____	\$ _____

OWNER / BUILDER INFORMATION

OWNER	Name <u>Ann Linkins</u>	Telephone (h) <u>512-444-7831</u> (w) <u>512-694-0455</u>
BUILDER	Company Name <u>Mr. Pecheco</u>	Telephone _____
	Contact/Applicant's Name _____	Pager _____
DRIVEWAY/ SIDEWALK	Contractor _____	FAX _____
		Telephone _____
CERTIFICATE OF OCCUPANCY	Name _____	Telephone _____
	Address _____	City _____ ST _____ ZIP _____

If you would like to be notified when your application is approved, please select the method:

____ telephone ____ e-mail: _____

You may check the status of this application at www.ci.austin.tx.us/development/pierivr.htm

**CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "B"**

**CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION**

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I understand that nothing may be built upon or over an easement. I further understand that no portion of any roof structure may overhang in any public utility or drainage easement.

I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required.

APPLICANT'S SIGNATURE



DATE

3/15/11

HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction)

Rejection Notes/Additional Comments (for office use only):

Service Address

Applicant's Signature

Date

March 14, 2011

Ann Jenkins
1409 Rabb Road
Austin, Texas 78704-2022

Lee Kinser
1411 Rabb Road
Austin, Texas 78704-2022

City of Austin
Code Compliance Department
Investigator: Luther Perez
Case: CV-2011-014801

1409 Rabb Road = LOT 1A *RESUB OF LOT 1-7 PESCHKA SUBD PLUS ADJ 332 SQ FT OF ABS 14 SUR 21 HILL H P
Zoned as SF-3 Parcel Number 0102071215

1411 Rabb Road= LOT 2 RESUB OF LOT 1-7 PESCHKA SUBD
Zoned as SF-3 Parcel Number 0102071214

A 7 foot high fence running 2/3 or property line between 1409 and 1411 Rabb Road above the 6 foot height was part of the original building permitting in 1988-89, and has been in place since that the time the house on 1409 was built. An extension was added to the fence December 2010-January 2011 by mutual agreement of both home owners.

Neighborhood is on a hill sloping from down with 1411 being at a higher level than 1409, along the side boundaries. Fence is build on top of an existing retaining wall between the 2 properties making it higher on the 1409 property than on the 1411 property. The 1411 lot is level with the top of the retaining wall for the majority of the length of the property; the 1409 lot is 18 inches lower for the majority of the length of the property.

Both properties have access from Ashby on the south east side and Rabb on the northwest side. Properties also slope down from the back of the lots on Ashby to the front of the lots on Rabb Road. Measuring 50 feet back from front fence of 1409, there is a 15 inch drop.

Fence does not impact neighborhood or traffic (see photo). Extension was added for esthetic purposes for the 1411 property to have consistency of fence line across property (see photo).

We are respectfully requesting that the fence remain as is.

If it is not possible for the fence to remain as is, we are requesting to slope the fence from the Rabb Road side to where it joins the front fence of 1411, allowing the majority of the fence between the 2 properties to remain at 7 feet, above the 6 foot height requirement.

Please accept the signatures below to serve as notice of mutual agreement of both property owners. Thank you for considering this request for variance.

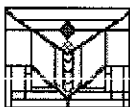
Sincerely,

Ann Jenkins, owner 1409 Rabb Road



Lee Kinser, owner 1411 Rabb Road





To: luther.perez@ci.austin.tx.us,
Cc:
Bcc:
Subject: Fw: fence citation
Special Education

FYI - I attempted to meet with someone yesterday but had the wrong time (I heard 8-3 but it was 8-11).... A very nice young man gave me a list of people to contact and showed me a phone in the area to attempt to get someone at that time. No luck so I finally left a message for Brent Hendricks and have just sent this email. Thanks for your help and patience.

My cell is 694-0455

Ann Jinkins
Assistant Director of Special Education for Secondary
Austin Independent School District
(512)414-8939

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----- Forwarded by Ann Jinkins/AISD on 03/02/2011 02:43 PM -----

From: Ann Jinkins/AISD
To: brent.hendricks@ci.austin.tx.us
Date: 03/02/2011 02:40 PM
Subject: fence citation

Mr. Hendricks, I left you a voice message yesterday regarding a fence citation I received for my home 1409 Rabb Road. I misunderstood the hours that I could meet with someone at the city when I called so I was there at 2:00. I am an administrator in the Austin school district so have limited time for a face to face but will attempt one early next week. I thought sending a message might help get the process started. Thanks.

Our home was built in 1989. At the time, the fence on the southwest side of the house was included in the original building permitting process. The entire yard is fenced but the fence on the northwest side is the only one in question. It was built along the property line on top of a small retaining wall (approximately 2 ft high) that served to terrace the property between the neighbors and our home (the property on Rabb gradually slopes down toward Robert E. Lee). Our lot is lower than the neighbors. A few years ago, we had the posts replaced with metal posts but made no changes to the height of the fence.

The fence did not extend down the entire side of the lot, probably 2/3 of the lot, primarily centered, creating a courtyard effect for our home. We now have a new neighbor and she was interested in the fence extending down the entire side of the lot so that from her living room, she saw the same fence line all the way to the front of the lot. We were having the rest of the yard fenced (metal/hog wire combination) this winter so took the opportunity to extend the fence on the southwest side at that time.

I never thought about it being out of code since it had been part of the property from the initial stage of the house's construction.

I've attached some pictures. 2 are from the front showing my side (metal fence and wood fence) and from the neighbors side (wood meets wood fence). The 3rd shows where the new fence section was linked to the existing fence (gray painted section (old) and fresh wood section (new)). All show the stone retaining

wall. Fence is clearly much taller on our side than on the neighbors do to lot level.

I have visited with the fence builder and he can slope the wood fence from the top of the metal section back to where the neighbors front fence begins. Do you think that might be a compromise position that is acceptable?

Thanks for previewing this. What is the protocol for moving forward? Do I try to meet with you or do I ask for anyone on the residential reviewing group?



fence 3.jpg



fence 1.jpg



fence 2.jpg

Thanks again....
My cell is 694-0455.

Ann Jenkins
Assistant Director of Special Education for Secondary
Austin Independent School District
(512)414-8939

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